

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
Eleazar RUIZ-Morales)
Defendant.)

)

08 JUN -4 AM 9:47
Magistrate Case No. **'08 MJ 1751**

COMPLAINT FOR VIOLATION OF
Title 8, U.S.C., Section 1326
Attempted Entry After
Deportation

The undersigned complainant being duly sworn states:

On or about **June 3, 2008**, within the Southern District of California, defendant **Eleazar RUIZ-Morales**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 4th DAY OF June,
2008.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On June 3, 2008 at approximately 1:25 PM, **Eleazar RUIZ-Morales (Defendant)**, made application for admission to the United States from Mexico at the **San Ysidro Port of Entry** via the vehicle primary lanes. Defendant was the driver and sole visible occupant of a Dodge Dynasty. Defendant presented a Border Crossing Card (DSP-150) bearing the name Leonardo FERNANDEZ-Aceves to a Customs and Border Protection (CBP) Officer. The CBP Officer asked Defendant where he was going and what he was bringing from Mexico to which the Defendant replied he was bringing nothing from Mexico and going to San Diego. During a cursory inspection of the vehicle, four persons were found concealed in the trunk. The vehicle and its occupants were escorted to secondary for further inspection.

In secondary, system queries revealed Defendant was previously deported from the United States. Defendant's fingerprints were queried through the Integrated Automated Fingerprint Identification System (IAFIS), which verified Defendant's identity. Queries through the Immigration Central Index System (CIS) and the Deportable Alien Control System (DACS) reveal Defendant was ordered deported from the United States on or about June 16, 1997 and physically removed from the United States through the Calexico, California Port of Entry on that same date. Immigration service records indicate Defendant has not applied for or received permission from the Attorney General or the Secretary of Homeland Security to legally re-enter the United States.